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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

FIRST APPELLATE DISTRICT

DIVISION FOUR

C.P. et al.,

Petitioners,

v.

THE SUPERIOR COURT OF CONTRA  
COSTA COUNTY,

Respondent,

CONTRA COSTA COUNTY  
CHILDREN AND FAMILY SERVICES  
BUREAU,

Real Party in Interest.

A156543

(Contra Costa County  
Super. Ct. No. J1600108)

**MEMORANDUM OPINION<sup>1</sup>**

We filed a published opinion today in a pair of consolidated appeals by G.D. and J.D. (Parents), Nos. A155254 and A155571, arising out of the same dependency proceeding that gives rise to this writ petition by C.P. and J.M. (Foster Parents). (*In re B.D.* (May 24, 2019, A155254 & A155571) \_\_\_ Cal.App.5th \_\_\_.) The background facts

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<sup>1</sup> We resolve this case by memorandum opinion pursuant to California Standards of Judicial Administration, section 8.1. (See also *People v. Garcia* (2002) 97 Cal.App.4th 847, 853–855.)

of that proceeding are set forth in an unpublished opinion filed May 1, 2018 denying relief on writ petitions in which Parents sought review of an order setting a Welfare and Institutions Code section 366.26<sup>2</sup> order in the case. (*G.D. v. Superior Court* (May 1, 2018, A153074) [nonpub. opn.].)

Stated briefly, the case involves a minor-dependent, B.D. (Minor), who was in the care of Foster Parents for nearly two years following his initial detention from Parents' custody. At a section 366.26 hearing on August 8, 2018, the juvenile court terminated Parents' parental rights and freed Minor for adoption. The sole basis for the court's adoptability finding was that Foster Parents were committed to adopting him and he was therefore likely to be adopted within a reasonable time.

A few weeks after entry of the order terminating parental rights, Minor was removed from Foster Parents' custody following an investigation by real party Contra Costa County Children and Family Services Bureau (Bureau) of suspected abuse of Minor in their home. Foster Parents objected to Minor's removal from their care and petitioned for his return. After a series of evidentiary hearings, the court denied the requested relief on December 5, 2018.

By this writ petition, Foster Parents seek review of the December 5 order, claiming standing as prospective adoptive parents under section 366.26, subdivision (n) and California Rules of Court, rule 5.726. They challenge the Bureau's best interests of the child determination under section 366.26, subdivision (n)(3)(B) as unsupported by substantial evidence.

In Nos. A155254 and A155571, we today reverse the order terminating parental rights and remand the case to the juvenile court for a new section 366.26 hearing. (*In re B.D.*, *supra*, \_\_\_ Cal.App.5th \_\_\_ [pp. 2, 25].) Having reviewed the record in this related writ proceeding, and having considered the arguments made by Foster Parents and by the Bureau, we now reject Foster Parents' attack on the December 5 order. The juvenile court's determination that removal was in Minor's best interests was a proper exercise of

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<sup>2</sup> Further unspecified statutory references are to the Welfare and Institutions Code.

discretion and was supported by substantial evidence. (*T.W. v. Superior Court* (2012) 203 Cal.App.4th 30, 42.) Accordingly, we deny writ relief.

**DISPOSITION**

Denied.

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STREETER, ACTING P.J.

We concur:

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TUCHER, J.

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BROWN, J.

A156543/C.P. v. *Superior Court*